

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Norfolk Division

UNITED STATES OF AMERICA)	Criminal No. 2:19CR47
)	
v.)	
)	
DAVID ALCORN,)	
)	
AGHEE WILLIAM SMITH II,)	
)	
)	
)	
)	
Defendants,)	

STIPULATIONS

The parties stipulate and agree to the following:

A. Stipulation #1: Business Records and Public Records

The parties stipulate and agree that the categories of records listed below in numbered paragraphs 1 through 34 are authentic and constitute records of a regularly conducted business activity pursuant to Rule 803(6) of the Federal Rules of Evidence, or records or statements of a public office pursuant to Rule 803(8) of the Federal Rules of Evidence, without requiring further authentication, certification, or testimony of a custodian. The parties retain the right to object to the admissibility of these records under any other rule of evidence or constitutional right. The parties further agree that these Stipulations may be marked and admitted as evidence in the case, and that they may be submitted to the jury during its deliberations along with other admitted evidence.



1. Records of the Virginia State Corporation Commission, including records related to the creation and dissolution or cancellation of limited liability companies.
2. Records of the Florida State Corporation Commission, including records related to the creation and dissolution or cancellation of limited liability companies.
3. Records of the Delaware State Corporation Commission, including records related to the creation and dissolution or cancellation of corporations.
4. Records of the Wyoming State Corporation Commission, including records related to the creation and dissolution or cancellation of limited liability companies and corporations.
5. Records of the Nevada State Corporation Commission, including records related to the creation and dissolution or cancellation of limited liability companies.
6. Records of the Arizona State Corporation Commission, including records related to the creation and dissolution or cancellation of limited liability companies.
7. Records of the New Mexico State Corporation Commission, including records related to the creation and dissolution or cancellation of limited liability companies.
8. Records of the Texas Secretary of State, including records related to the creation and dissolution or cancellation of limited liability companies.
9. Records of the California Business, Transportation, and Housing Agency and the Department of Business Oversight.
10. Records of the Financial Industry Regulatory Authority and its predecessor, the National Association of Securities Dealers, including Orders and Central Registration Depository Summaries.
11. Records from the United States District Court for the District of Arizona.
12. Records from the United States Bankruptcy Court for the District of Arizona.
13. Records from the United States Bankruptcy Court for the Eastern District of California.
14. Recordings from StartMeeting, LLC.
15. Summit Trust records, including client files, account statements, and asset holder reports.
16. Alliance Trust records, including client files and account statements.
17. Provident Trust records, including client files and account statements.
18. Paper records from Dominion Investment Group, LLC, Dominion Investment Advisors, LLC, Dominion Private Client Group, LLC, Dominion Franchise Group, LLC, Dominion Diversified Strategies, LLC, FAS Partners, LLC, Sovereign Asset Group, LLC, DOM

Consulting Services, LLC, DOM Business Brokers, LLC, DSPF Group, LLC, DSP Management, LLC, Janus Spectrum Group, LLC, Spectrum Management, LLC, Spectrum 100, LLC, Spectrum 100 Management, LLC, Prime Spectrum, LLC, Prime Spectrum Management, LLC, Venture Capital 1, LLC, Diversified Financing, LLC, Xcel Bandwidth, LLC, Accelerator Management, LLC, PLI Group, LLC, PLI Management, LLC, SARTRACK, LLC, weMonitor Group, LLC, weMonitor Management, LLC, Dental Support Plus Franchise, LLC, Dental Support Group, LLC, and Janus Spectrum, LLC, seized pursuant to federal search warrants or produced in connection with federal and state regulatory or criminal investigations.

19. American Express records, including copies of credit card bills, statements, and records of payments received.
20. BayPort Credit Union records, including account applications, signature cards, account statements, deposits, transfers, credits, memoranda, wire transfers, checks, and other banking documents.
21. Wells Fargo Bank records, including account applications, signature cards, account statements, deposits, transfers, credits, memoranda, wire transfers, checks, and other banking documents.
22. Oculina Bank records, including account applications, signature cards, account statements, deposits, transfers, credits, memoranda, wire transfers, checks, and other banking documents.
23. JPMorgan Chase Bank records, including account applications, signature cards, account statements, deposits, transfers, credits, memoranda, wire transfers, checks, and other banking documents.
24. SunTrust Bank records, including account applications, signature cards, account statements, deposits, transfers, credits, memoranda, wire transfers, checks, and other banking documents.
25. First Citizens Bank records, including account applications, signature cards, account statements, deposits, transfers, credits, memoranda, wire transfers, checks, and other banking documents.
26. Arizona Business Bank, CoBiz Financial records, including account applications, signature cards, account statements, deposits, transfers, credits, memoranda, wire transfers, checks, and other banking documents.
27. Bank of Kansas City records, including account applications, signature cards, account statements, deposits, transfers, credits, memoranda, wire transfers, checks, and other banking documents.

28. Bank of Nevada records, including account applications, signature cards, account statements, deposits, transfers, credits, memoranda, wire transfers, checks, and other banking documents.
29. Generations Federal Credit Union records, including account applications, signature cards, account statements, deposits, transfers, credits, memoranda, wire transfers, checks, and other banking documents.
30. MidFlorida Federal Credit Union records, including account applications, signature cards, account statements, deposits, transfers, credits, memoranda, wire transfers, checks, and other banking documents.
31. The Golden 1 Credit Union records, including account applications, signature cards, account statements, deposits, transfers, credits, memoranda, wire transfers, checks, and other banking documents.
32. Charles Schwab Bank records, including account applications, signature cards, account statements, deposits, transfers, credits, memoranda, wire transfers, checks, and other banking documents.
33. IRA Services records, including client files and statements.
34. Intuit, Inc. records, including payroll records.
35. EmployeeMax records, including payroll records.

B. Stipulation #2: National Credit Union Share Insurance Fund

From January 2011 through August 2017, deposits held by BayPort Credit Union, Generations Federal Credit Union, MidFlorida Federal Credit Union, and The Golden 1 Credit Union were insured by the National Credit Union Share Insurance Fund.

C. Stipulation #3: Federal Deposit Insurance Corporation

From January 2011 through August 2017, deposits held by Wells Fargo Bank, Oculina Bank, SunTrust Bank, JPMorgan Chase Bank, First Citizens Bank, Arizona Business Bank, CoBiz Financial, Bank of Nevada, Charles Schwab Bank, and Bank of Kansas City were insured by the Federal Deposit Insurance Corporation.

D. Stipulation #4: Financial Transactions Affected Interstate And Foreign Commerce

From January 2011 through August 2017, BayPort Credit Union, Generations Federal Credit Union, MidFlorida Federal Credit Union, The Golden 1 Credit Union, Wells Fargo Bank, Oculina Bank, SunTrust Bank, JPMorgan Chase Bank, First Citizens Bank, Arizona Business Bank, Bank of Nevada, Charles Schwab Bank, and Bank of Kansas City conducted financial transactions that affected interstate and foreign commerce.

E. Stipulation #5: Use of the Wires

On or about July 9, 2014, an email to RH, contained in Government Exhibit 1003, traveled via interstate wire through interstate commerce from outside the Commonwealth of Virginia and ended in the Eastern District of Virginia.

On or about August 9, 2014, an email to BR, contained in Government Exhibit 1004, traveled via interstate wire through interstate commerce from outside the Commonwealth of Virginia and ended in the Eastern District of Virginia.

On or about August 9, 2014, an email to AT, contained in Government Exhibit 1005, traveled via interstate wire through interstate commerce from outside the Commonwealth of Virginia and ended in the Eastern District of Virginia.

On or about August 9, 2014, an email to TW, contained in Government Exhibit 1006, traveled via interstate wire through interstate commerce from outside the Commonwealth of Virginia and ended in the Eastern District of Virginia.

On or about April 4, 2014, the negotiation of the \$13,500 check to Tony Sellers from the BayPort Credit Union account of Prime Spectrum, LLC, in the Eastern District of Virginia, contained in Government Exhibit 1007A, caused an interstate wire that traveled through interstate commerce.

On or about May 14, 2014, the \$58,800 electronic fund wire transfer from BayPort Credit Union to Intuit, as shown in Government Exhibit 1008A, commenced in the Eastern District of Virginia, traveled through interstate commerce, and ended outside the Commonwealth of Virginia.

On or about April 10, 2014, the \$9,360 electronic fund wire transfer from BayPort Credit Union to Intuit, as shown in Government Exhibit 1009A, commenced in the Eastern District of Virginia, traveled through interstate commerce, and ended outside the Commonwealth of Virginia.

On or about July 2, 2014, the \$2,600 electronic fund wire transfer from BayPort Credit Union to Intuit, as shown in Government Exhibit 1010A, commenced in the Eastern District of Virginia, traveled through interstate commerce, and ended outside the Commonwealth of Virginia.

On or about December 31, 2014 the \$3,200 electronic fund wire transfer from BayPort Credit Union to Intuit, as shown in Government Exhibit 1011A, commenced in the Eastern District of Virginia, traveled through interstate commerce, and ended outside the Commonwealth of Virginia.

On or about April 8, 2014, the \$41,200 wire transfer from BayPort Credit Union to Arizona Business Bank, as shown in Government Exhibit 1012A, commenced in the Eastern District of Virginia, traveled through interstate commerce, and ended outside of the Commonwealth of Virginia.

On or about April 8, 2014, the \$123,600 wire transfer from BayPort Credit Union to Arizona Business Bank, as shown in Government Exhibit 1013, commenced in the Eastern District of Virginia, traveled through interstate commerce, and ended outside of the Commonwealth of Virginia.

On or about April 24, 2014, the \$123,600 wire transfer from BayPort Credit Union to Arizona Business Bank, as shown in Government Exhibit 1014, commenced in the Eastern District of Virginia, traveled through interstate commerce, and ended outside of the Commonwealth of Virginia.

On or about May 15, 2014, the \$288,400 wire transfer from BayPort Credit Union to Arizona Business Bank, as shown in Government Exhibit 1015, commenced in the Eastern District of Virginia, traveled through interstate commerce, and ended outside of the Commonwealth of Virginia.

On or about April 7, 2014, the conference call with sales personnel about DSPF and Janus Spectrum, contained in Government Exhibit 1016A, commenced outside of the Commonwealth of Virginia, traveled through interstate commerce, and ended in the Eastern District of Virginia.

On or about May 19, 2014, the conference call with sales personnel about DSPF and Janus Spectrum, contained in Government Exhibit 1017A, commenced outside of the Commonwealth of Virginia, traveled through interstate commerce, and ended in the Eastern District of Virginia.

F. Stipulation #6: Authenticity of Certain Records

1. The paper and electronic records seized pursuant to federal search warrants or produced in connection with federal or state regulatory or criminal investigations are authentic.
2. The "Putting Your Financial House in Order" radio show videos and audio recordings are authentic.
3. The income tax returns and other records obtained from the Internal Revenue Service for each defendant are authentic.
4. YouTube videos and audio recordings of Daryl G. Bank, Thomas L. Barnett, Kent Maerki, David Alcorn, and Aghee William Smith II are authentic.
5. The books "Successonomies" and "Get in the Game" with chapters by Daryl Bank are authentic.
6. The books "Wireless Nation" by James Murray, Jr. and "Money from Thin Air" by O. Casey Corr are authentic.

G. Stipulation #7: Submitted to the Jury

The parties further agree that these Stipulations may be marked and admitted as evidence in the case, and that they may be submitted to the jury during its deliberations along with other admitted evidence.

United States v. David Alcorn, Aghee William Smith II,

We ask for this:

A handwritten signature in black ink, appearing to be 'R. Yarow', written over a horizontal line.

Richard Yarow
Counsel for David Alcorn

A handwritten signature in blue ink, appearing to be 'L. McCaslin', written over a horizontal line.

Lindsay McCaslin
Counsel for Aghee William Smith II

United States Attorney

By: A handwritten signature in black ink, appearing to be 'Melissa E. O'Boyle', written over a horizontal line.

Melissa E. O'Boyle
Elizabeth M. Yusi
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